
Public Utilities Commission of the State of California

Public Agenda 3142

Friday, November 19, 2004 9:30 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, November 29, 2004 (San Francisco)	Friday, November 19, 2004 (San Francisco at 9:30 AM)
Monday, December 13, 2004 (San Francisco)	Thursday, December 02, 2004 (San Francisco at 9:30 AM)
Monday, January 10, 2005 (San Francisco)	Thursday, December 16, 2004 (San Francisco at 9:30 AM)
	Thursday, January 13, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 54

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

1 Res TL-19050

[3943] Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

2 Res ALJ 176-3142

[3944] Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183551

3 A99-12-025 - Valencia Water Company.

[3736] For approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards The Angeles Chapter of Sierra Club \$4,074.18 for its contribution to D01-11-048 and D03-10-063. This proceeding is closed. (Comr Brown - ALJ Patrick)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3137, Item 23 8/19/2004 (Staff);

Agenda 3138, Item 7 9/2/2004 (Staff);

Agenda 3139, Item 3 9/23/2004 (Staff);

Agenda 3141, Item 1 10/28/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183018

Consent Agenda - Orders and Resolutions (continued)

4
[3824] **R98-07-038 - Rulemaking for purposes of revising General Order 96-A regarding informal filings at the Commission.**

This interim decision adopts rules revisions that will eventually be codified in General Order 96-B and that concern advice letter filing, service, and suspension.

(Comr Kennedy - ALJ Kotz)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3139, Item 7 9/23/2004 (Staff);

Agenda 3140, Item 4 10/7/2004 (Staff);

Agenda 3141, Item 3 10/28/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182964

5
[3854] **A02-04-050 - San Diego Metropolitan Transit Development Board (MTDB) and the City of San Diego.**

This decision grants the request of MTDB to construct, as part of the proposed Mission City Parkway Project, an at-grade highway-rail crossing on two existing light rail vehicle tracks at Fenton Parkway in San Diego, San Diego County. This proceeding is closed.

(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182228

6
[3904] **I04-04-002 - In the Matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Stanley King Chee Wong and Xiu Ping Cui, a partnership doing business as K & T Moving Co. and KW Moving, K & T Moving/K.W. Moving Inc., a California corporation, its Agent for Service of Process Stanley King Chee Wong, and ABC Moving, Inc., a California corporation, its President Su Fen Wu and its Manager Stanley King Chee Wong.**

This decision denies two respondents' pending applications for household goods carrier permits and imposes a fine of \$2,000 on certain respondents. This proceeding is closed.

(Comr Brown - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Agenda 3141, Item 4 10/28/2004 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183750

Consent Agenda - Orders and Resolutions (continued)**7**
[3926] **C03-09-004 - California Building Industry Association (CBIA) vs. San Diego Gas & Electric Company (SDG&E).**

This decision denies the complaint of CBIA that SDG&E be required to seek prior Commission approval before updating cost factors and underlying assumptions used by SDG&E to prepare project-specific line extension estimates. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Agenda 3141, Item 10 10/28/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182933

8
[3941] **A04-05-004 - Sierra Pacific Power Company (Sierra).**

This decision approves Sierra's application to update its energy cost adjustment clause (ECAC) billing factors, and recover projected fuel and purchased power costs. The approved change in ECAC billing factors will increase rates by approximately \$8.3 million, or 14.8 percent, for Sierra's California retail customers. This proceeding is closed.

(Comr Brown - ALJ DeBerry)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182827

9
[3942] **A03-09-045 - Sierra Pacific Power Company (Sierra).**

This decision grants Sierra's application pursuant to Public Utilities Code § 851 to sell its four run-of-the-river hydroelectric generating plants on the Truckee River to the Truckee Meadows Water Authority. The sale of these electric generating plants is authorized by statute, and is in the public interest. Further, there will be no adverse environmental impact as a result of the sale. The Commission defers a decision on treatment of Sierra's gain on sale. This proceeding is closed.

(Comr Kennedy - ALJ Thomas)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183967

Consent Agenda - Orders and Resolutions (continued)**10 Res W-4503 - California-American Water Company (Cal-Am), Coronado, Felton, Los Angeles, Larkfield, Monterey, Sacramento, and Village Districts.**
[3950]

Resolution recording status of reserve account recovery filings and water revenue adjustment mechanism account. (Advice Letter (AL) 590-A, filed August 6, 2004, AL 591, filed October 10, 2003, AL 593, filed February 5, 2004, AL 594, filed February 6, 2004, AL 595, filed April 15, 2004, AL 596, filed April 14, 2004, AL 597, filed April 27, 2004, AL 598, filed April 28, 2004, AL 599, filed April 23, 2004, AL 600, filed April 28, 2004, and AL 601, filed April 29, 2004)
Agenda 3141, Item 19 10/28/2004 (Lynch)

11 A03-08-003 - Pacific Gas and Electric Company (PG&E).
[3972]

This decision authorizes PG&E to sell and convey to City of Santa Rosa (Santa Rosa) approximately 115.5 acres of land in Sonoma County. PG&E's request that the Commission ratifies PG&E's earlier grant to Santa Rosa of easements over a portion of that property is moot. Allocation of the gain from the sale will be addressed in R04-09-003, Commission's gain on sale rulemaking. This proceeding is closed.

(Comr Brown - ALJ McVicar)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183762

Consent Agenda - Orders and Resolutions (continued)

12 (Rev.)**Res T-16892**

[3983]

This resolution revokes 181 competitive carrier authorities for failure to comply with D93-05-010. Affected authorities are listed below. Utility ID#-2002 Telone Wireless, LLC; ; U-2098 Orion Telecom; U-2114 Paging Dimensions, Inc.; U-2143 Southwest Paging; U-2149 Strategic Signalling Systems; U-3040 Alpine CA-3, L.P.; U-3053 Boomerang Tracking, Inc.; U-3065 Nextwave Telecom Inc.; U-3069 Integrated Communications Group; U-4068 Southwest Cellular Telephone Co., Inc.; U-4113 MTC Information Systems, Inc.; U-4114 Cruisenet Inc.; U-4146 DFI Communications Inc.; U-4147 A-Tel Inc.; U-4149 American Telecommunications & Cellular; U-4154 Airtel/Digitek 2000; U-4155 K.C. Telecommunications Inc.; U-4156 Coronado Payphone Services; U-4157 Balboa Car Care Center; U-4161 MCI Telecommunications Corporation; U-4165 Space Phone USA, Inc.; U-4167 The Ripley Group, Inc.; U-4168 Cellular 101; U-4173 Pay As You Go Cellular; U-4183 Diamond Communications; U-4184 Secure-Fone America Inc.; U-4196 Marathon Communications Inc.; U-4197 Payphone Management Group; U-4198 Skybridge Communications, Inc.; U-4219 GTE California; U-4222 Fashions; U-4225 Apache Communications; U-4228 Body Wise Communications Advantage; U-4232 Communications Solutions; U-4233 Palisades Cellular And Paging; U-4234 AA Wireless; U-4237 Pagebox; U-4238 GTE Communications Corp.; U-4241 AA Wireless; U-4244 Cellular Center; U-4245 Access Cellular; U-4246 Rox Communications; U-4247 American Roaming Network; U-4251 Online Pacific Industries, Inc.; U-4253 Integrated Communications Group; U-4255 Micro Cellular Inc.; U-4257 Eurotel Corp.; U-4258 Panda Paging Corp.; U-4282 Vycom Communications, Inc.; U-4284 USA Cell; U-4286 Aircept.Com, LLC; U-4287 Great Lakes Management Group; U-4288 Diablo Auto Sales; U-4292 Medisco; U-4294 ACCJA Communications Group, Inc.; U-4309 Zip Mobile Media; U-4310 Intell Cell. Com, Inc.; U-4315 Image Paging & Cellular, Inc.; U-4316 All U.S. Communications; U-4319 Fisher Wireless Service, Inc.; U-4323 Signal Telecom Corp.; U-4335 Central Billing, Inc.; U-5150 Global Access Telecommunications; U-5160 Sacramento Long Distance; U-5257 Supertel Communications Inc.; U-5307 Linkatel Pacific, L.P. et al.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

11/16/2004 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183979

Consent Agenda - Orders and Resolutions (continued)

13 **R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.**
[3986]

I93-04-002, R95-04-043, I95-04-044 - Related matters. This decision grants the March 9, 2004 Petition of Pacific Bell Telephone Company, dba SBC California, to modify the 271 Decision by suspending the performance incentives plan doubling mechanism, set forth in Ordering Paragraphs 10-14 of the 271 Decision, until such time as the review of the performance incentives plan can be resumed and completed. Until the review resumes and is completed, the decision directs SBC California to continue to track and record the data for any continuing extended chronic failures so that Staff can closely monitor the company's performance to ensure that no backsliding occurs.

(Comr Brown - ALJ Reed)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184294

14 **Res T-16890**
[3988]

This resolution revokes competitive carrier authorities held by 41 carriers for failure to comply with D93-05-010 and Ordering Paragraph 4, D95-12-056. The list of carriers is listed below. Utility ID#(U)-5055 GST Call America; U-5138 American Network Exchange; U-5230 Teltrust Communications Services; U-5242 Mail.Com Business Messaging Services, Inc.; U-5259 World Wide Communications Inc.; U-5260 San Diego Telephone Inc.; U-5299 Ustel Inc.; U-5381 The Furst Group, Inc.; U-5517 Idealdial Corporation; U-5528 Federal Transtel, Inc.; U-5542 SJ Investments, Inc.; U-5566 Atcall Inc.; U-5578 Intelicom International Corp.; U-5590 Corporate Services Telcom, Inc.; U-5640 Exstream Data, Inc.; U-5676 Worldtel Interactive Incorporated; U-5699 Zenex Long Distance, Inc.; U-5734 Long Distance Direct, Inc.; U-5737 Epoch Network Communications, Inc.; U-5766 American Communications Network; U-5784 Global Telephone International; U-5836 Tie Communications, Inc.; U-5863 Worldtouch Communications, Inc.; U-5896 Network One (CRG International); U-5899 PTT Telekom Inc.; U-5926 EZ Talk Communications, LLC; U-5973 Max-Tel Communications; U-6020 Communications Biling, Inc.; U-6024 Preferred Discount Plan (Gen X, LLC); U-6036 Digitec 2000, Inc.; U-6040 HJN Telecom, Inc.; U-6041 U.S. Network Services, Inc.; U-6055 Mercury Marketing Company Ltd.; U-6132 Compass Telecommunications; U-6159 Erbia Network, Inc.; U-6269 Mediatel Corporation; U-6271 I-Teleco.Com, Inc.; U-6329 Northwestern Digital Company; U-6344 Maxcess, Inc.; U-6433 Evoice Telecom, Inc.; U-6486 Congee Communications Corp.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183987

Consent Agenda - Orders and Resolutions (continued)

- 15**
[3989] **A04-03-035 - Pacific Bell Telephone Company dba SBC California (SBC).**
This decision denies SBC's application. Advice Letters 24278 and 24279 are denied without prejudice to refiling consistent with this decision. This proceeding is closed.
(Comr Brown - ALJ Bushey)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182370
- 16**
[3990] **A02-03-020 - Pacific Gas and Electric Company (PG&E).**
This decision approves the petition of PG&E to modify D03-10-014 such that it will be able to put all of its nuclear decommissioning trust fund contributions (contributions) for Humboldt Bay Power Plant Unit 3 (Humboldt) into the qualified trust for Humboldt, as opposed to its current authorization to put half of the contributions in the qualified trust, and half in the non-qualified trust. This will result in net benefits to ratepayers. This proceeding is closed.
(Comr Brown - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180219
- 17**
[3991] **A04-08-004 - Southern California Edison Company (SCE).**
This decision approves a settlement agreement between all parties which provides a substantial cash payment to SCE and preserves a contract for renewable power through 2017. This proceeding is closed.
(Comr Brown - ALJ Barnett)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 18**
[4004] **A03-06-022 - Los Angeles County Metropolitan Transportation Authority.**
This decision corrects error in D04-05-044. The decision clarifies statements in D04-05-044 pertaining to vertical clearance. Decision also clarifies statements pertaining to Lorena Street and Eastside Corridor Light Rail Transit Line (ELRL) tracks by substituting statements which reference the existing Lorena Street and the proposed ELRL tracks. In all other respects, D04-05-044 remains in full force and effect. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182101

Consent Agenda - Orders and Resolutions (continued)

- 19** **Res ST-71 - Los Angeles County Metropolitan Transportation Authority (LACMTA).**
[4005] This Resolution grants LACMTA authority to be exempt from the class B commercial driver's license with a passenger transportation endorsement requirement of General Order 143-B, Section 12.02, specifically for Division Managers and Assistant Division Managers.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182980
- 20** **A04-05-042 - North County Transit District (NCTD).**
[4009] This decision grants NCTD's request to modify seven existing at-grade highway-rail crossings in the City of San Marcos, County of San Diego. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181703
- 21** **A04-07-006 - City of San Juan Capistrano (City).**
[4010] This decision grants the City authority to construct a grade-separated highway-rail crossing under two tracks owned by Orange County Transportation Authority and maintained by Southern California Regional Rail Authority (SCRRA) at milepost 197.88 of SCRRA's Orange Subdivision in the City, Orange County. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181573
- 22** **Res W-4506 - West Water Company (WWC).**
[4025] This resolution authorizes WWC an offset increase producing additional revenue of \$2,493 or 27.01%. (Advice Letter 14, filed August 17, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182041
- 23** **Res W-4507 - California-American Water Company (CAWC), Coronado District.**
[4026] This resolution authorizes CAWC, Coronado District an offset rate increase producing additional annual revenues of \$1,891,573 or 15.9% for increase in the cost of purchased water. (Advice Letter 607, filed September 20, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181588

Consent Agenda - Orders and Resolutions (continued)

- 24**
[4027] **A04-09-011 - California-American Water Company and Watertek, Inc.**
This decision grants the application of California-American Water Company to purchase the stock of Watertek, Inc., which includes ownership of wastewater utilities in the communities of Spreckels, Oak Hills and Indian Springs, in Monterey County. This proceeding is closed.
(Comr Kennedy - ALJ Patrick)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181648
- 25**
[4031] **Res W-4509 - Lake Alpine Water Company (LAWC).**
This resolution authorizes LAWC a one-time surcharge to recover an increase in water testing costs and Department of Health Services fees producing an increase in annual revenue of \$1,628 or 0.55%.
(Advice Letter 67, filed June 18, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=176625
- 26**
[4032] **Res W-4508 - Lake Alpine Water Company (LAWC).**
This resolution authorizes LAWC to secure an additional Safe Drinking Water State Revolving Fund loan in the amount of \$1,500,000 for water system improvements, and to add a surcharge to water rates. (Advice Letter 68, filed September 13, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180201
- 27**
[4033] **Res T-16894 - Family Service Agency of Santa Barbara County (FSA).**
This resolution grants FSA's application to use the 2-1-1 dialing code for health and human services information and referral service in Santa Barbara County.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183347
- 28**
[4034] **Res T-16885 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and Easton Telecom Services, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 25490, filed September 14, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183364
- 29**
[4035] **Res T-16884 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC California and Quality Telephone, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 25488, filed September 14, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183363

Consent Agenda - Orders and Resolutions (continued)

- 30** **A04-07-016 - Polytech Enterprises, LLC (Applicant).**
[4042] This decision authorizes Applicant to modify its passenger stage corporation service to include the scheduled transportation of passengers and their baggage between Los Angeles International Airport, on the one hand, and Anaheim and John Wayne Airport, on the other hand; and to establish a Zone of Rate Freedom. This proceeding is closed.
 (Exam Clark)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 31** **A04-07-026 - Looking Glass Networks, Inc. (LGN).**
[4044] This decision grants the application of LGN for approval of the indirect transfer of control of LGN to the current lenders of LGN's parent company, Looking Glass Networks Holding Company, Inc. This proceeding is closed.
 (Comr Kennedy - ALJ Prestidge)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183196
- 32** **(ECP) C04-07-030 - Jahangir Satti vs. Cingular Wireless.**
[4045] Jahangir Satti (Satti) seeks a refund from Cingular Wireless of all monies paid by him under his calling plan contract. He claims that except for one call to test his two cellular telephones, he did not make any of the calls billed over a four-month period. The Commission concludes that Satti failed to meet his burden of proof and the complaint is denied. This proceeding is closed.
 (Comr Wood - ALJ Patrick)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182220
- 33** **A99-03-025 - Roseville Telephone Company.**
[4051] This decision grants the unopposed joint motion to accept the settlement agreement filed by SureWest Telephone (SureWest), formerly operated as Roseville Telephone Company, the Office of Ratepayer Advocates, and The Utility Reform Network. The settlement suspends SureWest's sharing mechanism beginning 1/1/2005 until at least 12/31/2010. As long as sharing is suspended, SureWest will pay a permanent consumer dividend and agrees not to seek an intrastate rate increase to recover that dividend. This proceeding is closed.
 (Comr Lynch - ALJ Reed)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183832

Regular Agenda

Regular Agenda - Energy Orders

34

[3899]

A00-11-038 - Southern California Edison Company.

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. The primary purpose of this decision is to adopt a cost allocation methodology that will be applied to the revenue requirement of the California Department of Water Resources for its power purchases in 2004 and beyond.

(Comr Brown, Comr Lynch - ALJ Allen)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

This matter may be considered during the Ratesetting Deliberative Meeting.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3139, Item 38 9/23/2004 (Brown);

Agenda 3140, Item 23 10/7/2004 (Wood);

Agenda 3141, Item 34 10/28/2004 (Wood)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181820

34a

[3900]

ALTERNATE TO ITEM 3899

A00-11-056, A00-10-028 - Related matters. This alternate uses the ALJ's proposed decision as a starting point, but reaches a different conclusion on the appropriate percentage unavoidable cost allocation to each utility. SDG&E is allocated a slightly lower percentage than under the ALJ's decision, with the remainder of the costs split between PG&E and SCE, in the manner to which they agreed in the Settlement Agreement.

(Comr Peevey)

Agenda 3139, Item 38a 9/23/2004 (Brown);

Agenda 3140, Item 23a 10/7/2004 (Wood);

Agenda 3141, Item 34a 10/28/2004 (Wood)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180811

34b

[3905]

ALTERNATE TO ITEM 3899

A00-11-056, A00-10-028 - Related matters. This alternate decision adopts the same allocation methodology as the Proposed Decision. DWR's revenue requirement is the same in this alternate as in the Proposed Decision. The alternate decision departs from ALJ Allen's draft decision by describing the \$290 million in excess monies the Energy Division has identified DWR would overcollect given its current revenue requirement.

(Comr Lynch)

Agenda 3139, Item 38b 9/23/2004 (Brown);

Agenda 3140, Item 23b 10/7/2004 (Wood);

Agenda 3141, Item 34b 10/28/2004 (Wood)

Regular Agenda - Energy Orders (continued)

34c ALTERNATE TO ITEM 3899

[3906]

A00-11-056, A00-10-028 - Related matters. This alternate adopts a permanent allocation of the DWR revenue requirement by allocating the costs among utilities as follows: costs up to market level are allocated on a cost-follows-contracts basis, and above market costs are allocated on an equal cents per kilowatt-hour basis.

(Comr Brown)

Agenda 3139, Item 38c 9/23/2004 (Brown);

Agenda 3140, Item 23c 10/7/2004 (Wood);

Agenda 3141, Item 34c 10/28/2004 (Wood)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182322

35 A03-10-022 - Southern California Edison Company (SCE).

[3929]

This decision adopts a joint SCE and Office of Ratepayer Advocates (ORA) recommendation to reduce the Energy Resource Recovery Account by a net amount of \$3,574,000 to reconcile certain audit issues. In all other respects, the decision finds SCE's procurement related and other operations were reasonable for the record period September 1, 2001 through June 30, 2003. The decision also defines the scope and standard of review for least cost dispatch and orders SCE and ORA to implement a master data request process. This proceeding is closed.

(Comr Peevey - ALJ Fukutome)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3141, Item 37 10/28/2004 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183752

36 A02-12-027 - Southern California Gas Company (SoCalGas).

[3936]

A02-12-028, I03-03-016 - Related matters. This decision authorizes the base margin electric and gas revenue requirements for SoCalGas and San Diego Gas & Electric Company (SDG&E) in the consolidated applications for Test Year 2004 Cost of Service. The decision authorizes SoCalGas \$1,501 million in natural gas distribution revenues for Test Year 2004. The decision authorizes SDG&E \$776.097 million in electric distribution revenues and \$211.520 million in natural gas distribution revenues for Test Year 2004. It provides a reasonable level of revenue for monopoly distribution services that will in turn assure customers of safe, reliable and responsive service under conditions of prudent management, while also assuring the companies' opportunity to earn the authorized rate of return. This decision rejects proposed settlements for both applications.

(Comr Wood - ALJ Long)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3141, Item 38 10/28/2004 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182911

Regular Agenda - Energy Orders (continued)**36a**

[3937]

ALTERNATE TO ITEM 3936

A02-12-028, I03-03-016 - Related matters. This alternate decision also rejects proposed settlements for both applications, but would authorize a lower revenue requirement for each utility than the Proposed Decision. The differences from the Proposed Decision include different treatment of net salvage values, capitalization levels, incentive compensation, working cash, rate base and maturing workforce issues. The alternate adopts the agreement between the Greenlining Institute and the two utilities, which the Proposed Decision would reject. The alternate does not adopt the labor cost balancing account offered in the proposed decision and provides more detailed consideration of the merits of various labor forecasts.

(Comr Wood)

Agenda 3141, Item 38a 10/28/2004 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180898

36b

[4029]

ALTERNATE TO ITEM 3936

A02-12-028, I03-03-016 - Related matters. This alternate decision finds that the SoCalGas and SDG&E Settlements are generally reasonable in light of the whole record, consistent with the law, and in the public interest. The SoCalGas Settlement was unopposed and this alternate adopts the SoCalGas Settlement without change. The SDG&E Settlement was opposed by UCAN and the City of Chula Vista. This alternate makes two modifications to the SDG&E Settlement. This alternate disallows the Otay Mesa Pressure Betterment Project and adjusts SDG&E's portion of the San Onofre Nuclear Generating Station (SONGS) revenue to reflect the amount adopted in the Edison GRC, Decision 04-07-022, the proceeding in which the SONGS issues was litigated.

(Comr Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183264

Regular Agenda - Energy Orders (continued)

37

[3968]

R03-03-017 - Order Instituting Rulemaking on the Commission's own motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D01-08-040.

I03-03-018 - Related matters. Public Utilities Code § 739.5 requires mobile home park (MHP) owners, who provide electricity and/or natural gas to their tenants through a submetered distribution system, to charge their tenants at the same rate the serving utility charges for comparable service, and requires the serving utility to provide a discount to the MHP owner for providing such services. This decision requires the following: 1. The discount shall be set at the average cost that the utility would have incurred in providing comparable services to the tenant directly, which is avoided when the MHP is submetered. 2. The discount shall be determined in a general rate case, biennial cost allocation proceeding, or other similar proceeding (revenue requirement proceeding). Between such proceedings, the utilities shall include a proposed revision to the discount in any utility filing proposing a revision to residential rates if the change in residential rates, or the data upon which the rate change is based, is sufficient to change the discount. 3. Any proposed settlement or stipulation in a revenue requirement proceeding, that includes the discount, shall specify whether and how the discount is to be adjusted between such proceedings. 4. If the calculation of the discount and how the discount is to be adjusted between such proceedings is not specified in an adopted settlement or stipulation that includes the discount, the discount shall not be revised until the next such proceeding. 5. In any proceeding where the parties propose a settlement or stipulation that includes the discount, they shall specifically demonstrate that the proposed discount complies with § 739.5. 6. The discount shall be set as an amount per space per day. 7. The discount shall be calculated using a sampling method, or a marginal cost method. 8. Refunds shall be distributed to tenants pursuant to § 739.5(b), except that when the refunds by the utility are on a per-meter basis, the refunds to the tenants shall be on a per-submeter basis. 9. Whenever a utility issues a refund to MHP owners through a reduction in the utility bill that should be distributed to tenants, the utilities shall: (1) identify the refund amount on the bill, and (2) explain how tenant refunds are to be calculated. If refunds are issued to MHP owners other than through the bill, the utilities shall identify the refund as such, and explain how to calculate tenant refunds. 10. When a tenant of a submetered MHP contacts a utility concerning the bill provided by the MHP owner, the utility shall offer to provide information on how the tenant's bill should be calculated, and on programs for which the tenant may be eligible. The utility shall also refer the tenant to the Commission's Consumer Affairs Branch, for resolution of complaints. 11. In their next revenue requirement proceedings, the utilities shall provide an analysis of the feasibility of providing bill calculation services to MHP owners. 12. The motion, filed by the active parties on January 16, 2004, to establish a new proceeding to consider the issue of whether there are fair and reasonable ways to mitigate the cost to MHP owners of converting existing submetered systems to directly-metered service, is denied. This proceeding is closed.

(Comr Brown - ALJ O'Donnell)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184118

Regular Agenda - Energy Orders (continued)

38 R04-03-017 - Order Instituting Rulemaking regarding policies, procedures and incentives for distributed generation and distributed energy resources.
[3975]

This decision adopts modifications to the Self Generation Incentive Program (SGIP), which provides incentives to businesses and individuals who invest in distributed generation. The Commission implements the provisions of Assembly Bill 1685, increases the annual SGIP budget to \$300 million through 2007, eliminates the maximum percentage payment limits, and reduces the incentive payment for Level 1 projects to \$3.00 per watt. The Commission retains the San Diego Regional Energy Office as a non-utility program administrator through 2007. The decision directs the SGIP program administrators to expand opportunities for public participation in three Working Group activities: developing a declining rebate schedule, an exit strategy, and a data release format.

(Comr Peevey - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182224

39 C04-08-011 - Eric Little vs. San Diego Gas & Electric Company.
[3978]

This decision confirms the Assigned Commissioner and Administrative Law Judge's Ruling issuing Temporary Restraining Order, dated October 15, 2004.

(Comr Brown - ALJ Simon)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Agenda 3141, Item 40 10/28/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182112

40 (Rev.) R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.
[3984]

This decision resolves Municipal Departing Load Rehearing Issues per D03-08-076 and related issues. This decision does not grant a cost responsibility surcharge exemption for new load, but grants a limited exemption for “transferred load” in Pacific Gas and Electric Company’s service territory.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

This matter may be considered during the Ratesetting Deliberative Meeting.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

11/18/2004 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)**40a** **ALTERNATE TO ITEM 3984**

[4038]

This alternate finds that new load of publicly-owned utilities should be granted an exception to the cost responsibility surcharges for Department of Water Resources power up to a specified limit, consistent with the basic reasoning in D03-07-028. The alternate modifies the findings in that decision slightly to allow for newly-formed publicly-owned utility customers to be eligible for the exception, so long as the utility meets certain criteria as defined in the alternate. On the issue of "bypass" or "transferred" load, the alternate is substantially similar to the ALJ's proposed decision.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183462

40b (Rev.) **ALTERNATE TO ITEM 3984**

[4046]

This alternate resolves Municipal Departing Load Rehearing Issues per D03-08-076 and related issues. This alternate grants a limited exception to the cost responsibility surcharge for municipal departing load, but does not distinguish between transferred load and new load in Pacific Gas and Electric Company's service territory.

(Comr Lynch)

11/10/2004 - This revision was not shown on the Agenda mailed to the public.

41 **A04-07-032 - Pacific Gas and Electric Company (PG&E).**

[3985]

This Financing Order authorizes PG&E to issue up to \$3 billion of Energy Recovery Bonds pursuant to Senate Bill 772 to refinance the Regulatory Asset established by D03-12-035. This proceeding is closed.

(Comr Peevey - ALJ Kenney)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184163

Regular Agenda - Energy Orders (continued)

- 42** **A02-05-046 - Southern California Edison Company (Edison).**
[3992] This decision authorizes Edison to make necessary and appropriate expenditures on the Mohave Generating Station (Mohave), for critical path investments required by the 1999 Consent Decree to allow Mohave to continue operations post year-end 2005, to continue working on resolution of the essential water and coal issues including the funding of the C-Aquifer feasibility and environmental studies, to convene a working group to study options to replace Edison's share of Mohave power if it can not continue as a coal-fired plant, and to establish a Mohave Employee-Related Memorandum Account to track worker protection benefit expenses incurred before January 1, 2006, associated with the temporary shut-down of Mohave at the end of 2005. This proceeding is closed.
(Comr Lynch - ALJ Brown)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182417
- 43** **R02-06-001 - Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing.**
[4037] This decision addresses the future operation of the California Power Authority's (CPA) Demand Reserves Partnership, a demand response program based on a contract between the CPA and the California Department of Water Resources. The CPA's operating budget is expected to expire on November 30, 2004.
(Comr Peevey - ALJ Cooke)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183381

Regular Agenda - Energy Resolutions and Written Reports

- 44**
[3952] **Res E-3893 - San Diego Gas & Electric Company (SDG&E).**
SDG&E seeks approval to transfer Federal Energy Regulatory Commission - jurisdictional approved settlement refunds to specific procurement related accounts. Approved, as modified. (Advice Letter 1601-E, filed July 19, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3141, Item 42 10/28/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184210
- 45**
[3953] **Res E-3894 - Southern California Edison Company (SCE).**
SCE seeks approval to transfer Federal Energy Regulatory Commission - jurisdictional approved settlement refunds to specific procurement related accounts. Approved, as modified. (Advice Letter 1811-E, filed July 23, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3141, Item 43 10/28/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184233
- 46**
[3955] **Res E-3878 - San Diego Gas & Electric Company (SDG&E).**
SDG&E seeks approval of its 2003 quarterly procurement transaction filings demonstrating that power procurement activities executed during the period January 1 through December 31, 2003 were in compliance with the guidelines set forth in its Short-Term Procurement Plan filed with the Commission on November 15, 2002. (Advice Letter (AL) 1493-E, filed May 1, 2003; AL 1513-E, filed July 22, 2003, AL 1536-E, filed October 30, 2003; AL 1560-E, filed January 30, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181779
- 47**
[3956] **Res E-3889 - Pacific Gas and Electric Company (PG&E).**
PG&E seeks approval of its 2003 quarterly short-term procurement transaction compliance filings demonstrating that power procurement activities during the record period January 1 through December 31, 2003 were in conformance with the guidelines set forth in its Commission-approved Short-Term Procurement Plan filed with the Commission on November 12, 2002. (Advice Letter (AL) 2377-E, filed May 1, 2003; AL 2402-E, filed July 15, 2003; AL 2434-E, filed October 30, 2003; AL 2469-E, filed January 30, 2003; and Supplemental AL 2469-E-A, filed March 16, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181775

Regular Agenda - Energy Resolutions and Written Reports (continued)

- 48**
[3961] **Res E-3897 - Southern California Edison Company (SCE).**
SCE submits revisions to the Reliability Services Balancing Account Adjustment rates pursuant to the Federal Energy Regulatory Commission approval of these rates in Docket ER04-1176-000. (Advice Letter 1830-E, filed October 7, 2004)
Agenda 3141, Item 44 10/28/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=182753
- 49**
[4019] **Res E-3872 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).**
PG&E, SCE and SDG&E filed tariffs to comply with D04-02-024 regarding the affidavit required for direct access relocations/replacements. Approved with modifications. (PG&E Advice Letter (AL) 2482-E and SDG&E AL 1579-E, filed March 15, 2004, and SCE AL 1781-E, filed March 17, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184322
- 50**
[4043] **Res E-3897 - Southern California Edison Company (SCE).**
SCE submits revisions to Reliability Services Balancing Account Adjustment rates as filed with Federal Energy Regulatory Commission in Docket ER04-1176-000. (Advice Letter 1830-E, filed October 7, 2004)
- 51 (Rev.)**
[4047] **Res E-3900 - Pacific Gas and Electric Company (PG&E).**
PG&E requests approval of a new renewable resource procurement contract with Florida Power and Light Energy Co., LLC for the repowering of an existing Altamont Pass wind farm. (Advice Letter 2562-E, filed October 7, 2004)
11/15/2004 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184282
- 52**
[4048] **Res E-3898 - Pacific Gas and Electric Company (PG&E).**
PG&E requests for approval of the Settlement Agreements, and in particular the Definitive Agreement and the Amended Power Purchase Agreement (PPA) as reasonable, which would, among other things, shorten the Current PPA, a contract with a Qualifying Facility (QF), by six years to the benefit of ratepayers. (Advice Letter 2537-E, filed August 4, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183803

Regular Agenda - Telecommunication Orders**53**

[3973]

A01-12-013 - Blue Ridge Telecom Systems, LLC (Blue Ridge).

This decision grants a certificate of public convenience and necessity to Blue Ridge authorizing it to offer limited facilities-based and resold local exchange services. The decision here is related to settlement in an investigation involving a Blue Ridge affiliate, NOS Communications, Inc. (NOS), that the Commission conditionally approved in D04-06-017. The instant decision finds on the basis of the application, a supplement filed in June 2004 and a brief hearing held in July 2004, that Blue Ridge is qualified to offer the proposed local exchange services, and that allegations against NOS of misleading practices in its marketing of long distance service are unlikely to recur with respect to Blue Ridge. This proceeding is closed.

(Comr Peevey - ALJ McKenzie)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=181998

54

[4040]

C02-11-011 - Telscape Communications, Inc. vs. Pacific Bell Telephone Company.

This complaint, filed by Telscape Communications, Inc. (Telscape), in which AT&T Communications of California, Inc. (AT&T) and WorldCom, Inc. (MCI) have intervened, alleges that several policies and practices of defendant Pacific Bell Telephone Company (SBC-CA) with respect to the provision of local exchange telephone service (local voice service) are anticompetitive and discriminatory. This decision finds that SBC-CA's refusal to process orders for changing a customer's local voice service to that of a competitive local exchange carrier (CLEC) if the customer also subscribes to SBC Yahoo! DSL (SBC-CA's retail digital subscriber line (DSL) service) and, in some circumstances, other retail DSL service, violates Pub. Util. Code §§ 451 and 453(a). The decision further finds that the partial settlement entered into by AT&T, MCI, and SBC-CA to resolve allegations that SBC-CA has abused the winback process and encouraged incorrect accusations of slamming is reasonable in light of the whole record, consistent with law, and in the public interest. The decision therefore approves it. The decision further requires SBC-CA to extend its third-party verification process to include slamming allegations for residential local voice service. The decision concludes that Telscape has not demonstrated that its broad objections to the functioning of SBC-CA's operational support systems are well-founded, but the decision orders SBC-CA to remedy deficiencies in its treatment of certain non-recurring service order charges, in its handling of billing disputes with CLECs, and in its implementation of its Performance Incentives Plan. This proceeding is closed.

(Comr Brown - ALJ Simon)

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184238

Regular Agenda - Water/Sewer Orders**55**

[3789]

R97-10-049 - Commission Order Instituting Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.

This decision denies the petition of the California Water Association to modify D03-04-028. This proceeding is closed.

(Comr Kennedy - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3138, Item 41 9/2/2004 (Kennedy);

Agenda 3140, Item 31 10/7/2004 (Peevey);

Agenda 3141, Item 48 10/28/2004 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=183753

55a

[4006]

ALTERNATE TO ITEM 3789

This alternate accepts in part, and denies in part the petition of the California Water Association to modify and/or clarify D03-04-028. This proceeding is closed.

(Comr Peevey)

Regular Agenda - Transportation/Rail Safety Orders**56**

[3987]

A02-01-031 - Santa Clara Valley Transportation Authority (SCVTA).

The application of SCVTA for approval of warning devices planned for two closely-spaced crossings on the Vasona Corridor Light Rail Extension in the City of San Jose, County of Santa Clara is approved, with conditions. This proceeding is closed.

(Comr Wood - ALJ Simon)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=184178

Regular Agenda - Commissioner's Reports

57

[4012]

Commissioner Brown Report

Letter of support for the grade separation of Union Pacific Railroad Track in City of Montebello.

58

[4053]

Commissioner Brown Report

Status of Agenda ID # 3764 on the Commission's Agenda of December 2, 2004.

Regular Agenda - Management Reports and Resolutions

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Non-Federal

- 59** **Conference with Legal Counsel - Applications for Rehearing**
 [3945] Compilation of applications for rehearing recently filed with the Commission.
- 60** **C98-04-004 - Conference with Legal Counsel - Application for Rehearing**
 [3601] C98-06-003; C98-06-027; C98-06-049; I90-02-047 - Related matters. Disposition of Applications for Rehearing of D03-11-021 filed by The Latino Issues Forum (LIF), The Utility Reform Network, and SBC California. On November 13, 2003, the Commission issued D03-11-021, awarding intervenor compensation to The Greenlining Institute and LIF for its contribution to D01-09-058.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3136, Item 97 7/8/2004 (Staff);
 Agenda 3137, Item 97 8/19/2004 (Staff);
 Agenda 3138, Item 48 9/2/2004 (Staff);
 Agenda 3139, Item 53 9/23/2004 (Staff);
 Agenda 3141, Item 53 10/28/2004 (Staff)
- 61** **R01-09-001 - Conference with Legal Counsel - Application for Rehearing**
 [3833] I01-09-002 - Related matters. Disposition of Applications for Rehearing of D04-02-063 filed by the Office of Ratepayer Advocates and The Utility Reform Network. In D04-02-063, the Commission allowed SBC Pacific Bell Telephone Company to write off approximately \$400 million of a Post Retirement Benefit Other Than Pension regulatory assets above the line in 1998.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3138, Item 55 9/2/2004 (Staff);
 Agenda 3139, Item 57 9/23/2004 (Staff);
 Agenda 3140, Item 37 10/7/2004 (Staff)

Closed Session - Non-Federal (continued)

- 62**
[3895] **R03-09-006 - Conference with Legal Counsel – Application for Rehearing**
Disposition of the application for rehearing of D04-04-038 filed by AT&T Wireless Services of California, LLC, Pacific Bell Wireless, LLC dba Cingular Wireless, Nextell of California, Inc, Sprint Spectrum L.P. dba Sprint, Omnipoint Communications, Inc. dba T-Mobile, and Verizon Wireless (collectively 'Wireless Carriers'). D04-04-038 resolved petitions to modify R03-09-006 and motions that sought to change the named respondents to this proceeding. D04-04-038 also granted motions for confidentiality filed by several utilities.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3139, Item 59 9/23/2004 (Staff);
Agenda 3140, Item 39 10/7/2004 (Peevey);
Agenda 3141, Item 55 10/28/2004 (Staff)
- 63**
[3965] **R01-09-001 - Conference with Legal Counsel – Application for Rehearing**
I01-09-002 - Related matters. Disposition of Application for Rehearing of D04-07-036 and Motion For Stay Of Ordering Paragraph 14 of D04-07-036, filed by SBC California. On July 8, 2004, the Commission issued D04-07-036 granting limited rehearing of D03-10-088, an interim opinion regarding NRF Phase 2B Service Quality issues in regard to the former Pacific Bell (now SBC California) and Verizon.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3141, Item 56 10/28/2004 (Staff)
- 64**
[3966] **C03-05-023 - Conference with Legal Counsel – Application for Rehearing**
Disposes of the application for rehearing of D04-05-006 filed by Raw Bandwidth Communications, Inc. D04-05-006 determined that SBC California and SBC Advanced Solutions, Inc. did not unreasonably discriminate or violate applicable law by connecting SBC Information Services (SBCIS) customers who dial 611 for digital subscriber line repair services to SBCIS, while telling customers of unaffiliated internet service providers (ISP) to hang up and call their ISP.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3141, Item 57 10/28/2004 (Lynch)
- 65**
[4021] **A00-10-044 - Conference with Legal Counsel – Application for Rehearing**
Disposition of Application for Rehearing of D03-11-016 filed by Pasadena Neighborhood Coalition. D03-11-016 approved the amended application of Altrio Communications, Inc. for a full facilities-based certificate of public convenience and necessity as a competitive local exchange carrier to offer service within the territory of the City of Pasadena.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Non-Federal (continued)

66

[4022]

C02-11-053 - Conference with Legal Counsel – Application for Rehearing

Disposition of Application for Rehearing of D03-12-064 filed by Pasadena Neighborhood Coalition.

D03-12-064 resolved a complaint filed by Pasadena Neighborhood Coalition against Altrio

Communications, Inc. (Altrio), and found that Altrio violated the terms of the Limited Facilities-Based Certificate of Public Convenience and Necessity granted in D01-07-022.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

68

[3946]

Case Nos. C 04-00580 VRW (Bankruptcy Case No. 01 30923 DM) - Conference with Legal Counsel - Existing Litigation

Loretta Lynch vs. California Public Utilities Commission, Pacific Gas and Electric Company (Debtor), U.S. District Court for the Northern District of California, Case No. C 04-00580 VRW; Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.